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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In Re ACACIA MEDIA TECHNOLOGIES CORPORATION	Case No. C-05-01114 JW **DECLARATION OF DAVID S. BENYACAR IN SUPPORT OF ROUND 3 DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT OF INVALIDITY UNDER 35 U.S.C. § 112 OF THE '992, '863 AND '702 PATENTS** Date: TBD Time: TBD Courtroom: 8, 4th Floor Judge: Honorable James Ware

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I, David S. Benyacar, hereby declare as follows:

1. I am a member of the law firm Kaye Scholer LLP, counsel of record for defendant Time Warner Cable Inc. I make this declaration from my own personal knowledge, and if called as a witness, I could and would testify competently hereto.

2. On July 11, 2008, the Round 3 defendants filed their "Round 3 Defendants' Consolidated Brief in Support of Their Motions for Summary Judgment of Invalidity Under 35 U.S.C. § 112" in this courthouse.

3. The following exhibits, attached hereto, are true and correct copies of the original documents (except that previous e-filing stamps have been redacted):

Ex. A: April 17, 1992 Sarnoff Research Report.

Ex. B: April 4, 2008 Stipulation of Acacia Media Technologies Corporation.

Ex. C: September 8, 2005 Weiss Testimony Transcript; pp. 1, 17-21, 25-29, 50-55.

Ex. D : Petition to Make Special; pp. 1-12.

Ex. E: October 1, 1991 Amendment; pp. 1, 17-21.

Ex. F: September 2, 2005 Weiss Deposition Transcript; pp. 1-2, 25-29, 42-47, 84-92, 108-115.

Ex. G: February 27, 2006 Plaintiff Acacia Media Technologies Corporation's Disclosure of Asserted Claims and Preliminary Infringement Contentions to Time Warner Cable, Inc.; pp. 1-9.

Ex. H: July 21, 2006 Parties' Stipulated Definitions for Claim Terms from the '863 and '720 Patents; pp. 1-4.

Ex. I: September 14, 2006 Hearing Transcript; pp. 1-4, 89-96, 109-120.

Ex. J: August 17, 2007 Hearing Transcript; pp. 1, 123-132, 163-167, 200-205.

Ex. K: Round 3 Defendants' Demonstrative Exhibits for September 7-8, 2006 Markman Hearing; pp. i-iii, Tab 21 (pp. 171-172).

Ex. L: Round 3 Defendants' Demonstrative Exhibits for August 17, 2007 Hearing; pp. i, vi, Tab 5 (pp. 115-122).

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 11th day of July, 2008, at New York, New York.

/s/ David. S. Benyacar

David S. Benyacar